

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE

ARTHUR A. RUGE,

)

Plaintiff,

)

v.
THE BAILEY COMPANY, INC.,
d/b/a THE BAILEY COMPANY,
INC. OF DELAWARE

Defendant.

) Civil Action No. 3:13-CV-0448

) JUDGE HAYNES

) JURY DEMAND

*on DASH
Based upon the
amended complaint
that supersedes the original
complaint, this motion is
filed as most and without
prejudice to the defendant's
second motion to dismiss*

DEFENDANT THE BAILEY COMPANY INC.'S MOTION TO DISMISS

P/E No.

Pursuant to Fed. R. Civ. P. 12(b)(6), Defendant, The Bailey Company, Inc. *26*
("Bailey Co."), respectfully moves this Court to dismiss Plaintiff's Complaint [Doc. No. *Call for* *4-1-14*]
1] with prejudice because the Complaint shows on its face that it is time-barred by the
applicable one-year statute of limitations. The grounds for this Motion are more fully set
forth in the attached Memorandum in Support.

Respectfully submitted,

FLEISSNER, DAVIS AND JOHNSON

s/ JOHN G. HUISMAN

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